

1 KAMALA D. HARRIS
Attorney General of California
2 MARISA Y. KIRSCHENBAUER
Supervising Deputy Attorney General
3 ELLIOTT T. SEALS
Deputy Attorney General
4 State Bar No. 277491
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 703-1640
6 Fax: (415) 703-5843
E-mail: Elliott.Seals@doj.ca.gov
7 *Attorneys for Defendant Grounds*

8
9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION

12
13 **LEE EDWARD PEYTON,**

14 Plaintiff,

15 v.

16 **RANDY GROUNDS,**

17 Defendant.
18

C 13-04232 VC (PR)

**REQUEST FOR JUDICIAL NOTICE IN
SUPPORT OF MOTION FOR ORDER
REVOKING PLAINTIFF'S *IN FORMA*
PAUPERIS STATUS**

Judge: The Honorable Vince Chhabria
Action Filed: September 12, 2013

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20 Under Federal Rule of Evidence 201, Defendant Grounds requests that the Court take
21 judicial notice of the following district court actions previously filed by Plaintiff, identified by
22 Public Access to Court Electronic Records (PACER) search results and true and correct copies
23 that are attached as follows:

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Exhibit **Case and Court Documents**

- A** ***Peyton v. Aston, 04-9577 FMC (AJW)***: Report and Recommendation recommending dismissal of Plaintiff's complaint for failure to state a claim (Doc. no. 12); Order adopting Report and Recommendation (Doc. no. 16); Judgment. (Doc. no. 17.)
- B** ***Peyton v. Felker, case no. 2:08-cv-00639 HWG***: Order dismissing claim with leave to amend for failure to state a claim and noting that failure to amend will count as a strike (Doc. no. 20); judgment (Doc. no. 21.)
- C** ***Peyton v. City and County of Ventura, et al., 10-5313 UA (AJW)***: Report and Order dismissing Plaintiff's complaint for failure to state a claim and noting that dismissal constitutes a strike. (Doc. no. 2.)
- D** ***Peyton v. Dammeyer, 10-5309 UA (AJW)***: Report and Order that complaint be dismissed for failure to state a claim. (Doc. no. 2.)

Judicial notice is appropriate where the fact is not subject to reasonable dispute because it is "capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned." Fed. R. Evid. 201(b)(2). The Court may properly take judicial notice of public records, including its own records and the records of other courts. *U.S. v. Wilson*, 631 F.2d 118, 119 (9th Cir. 1980); *Pavone v. Citicorp Credit Servs., Inc.*, 60 F. Supp. 2d 1040, 1045 (S.D. Cal. 1997).

Dated: November 24, 2014

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
MARISA Y. KIRSCHENBAUER
Supervising Deputy Attorney General

/s/ Elliott T. Seals
ELLIOTT T. SEALS
Deputy Attorney General
Attorneys for Defendant Grounds

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